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Thomas R. Lemmons

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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT

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2623

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05/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/770,865	Applicant(s) LEMMONS ET AL.	
	Examiner MICHAEL VAN HANDEL	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4-9,15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4-9,15 and 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/15/2007, 2/04/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an Amendment filed 1/24/2008. Claims **2, 4-9, 15, 17-22** are pending. Claims **2, 7-9, 15, 20-22** are amended. Claims **1, 3, 10-14, 16, 23-27** are canceled.

Response to Arguments

1. Applicant's arguments regarding claims **2** and **15**, filed 1/24/2008, have been fully considered, but they are not persuasive.

Regarding claims **2** and **15**, the applicant argues that Rauch et al. fails to teach a program guide having a navigation cell selectable by a user to display program information associated with a subset of time cells or channel cells that correspond to programs that are selected to satisfy predefined criteria. The applicant specifically argues that persons skilled in the art will recognize that the scroll bars of Rauch et al. are not themselves "cells" in a program grid. The examiner respectfully disagrees. One of ordinary skill would recognize a grid to be a pattern of vertical and horizontal lines and a cell to be a location within the grid corresponding to particular information or functions. Figure 2 illustrates the screen display as a series of rows and columns. Day selector buttons 220 fall within the first row and last column of the screen. Channel scroll bar 226 falls between the third and sixth rows and in the last column of the screen. Time scroll bar 224 falls within the seventh row and all columns of the screen. Topics button 254 falls within the last row and third and fourth columns of the screen (Fig. 2). The examiner interprets the day selector 220, channel scroll bar 226, time scroll bar 224, and topics button 254 as

Art Unit: 2623

“navigation cells,” as currently claimed. As such, the examiner maintains that Rauch et al. meets the limitation of “a program grid having a plurality of program information cells for presenting information associated with a first subset of the plurality of channel cells and time cells, and a navigation cell selectable by the user, the navigation cell being associated with a second subset of the plurality of channel cells or time cells, the second subset corresponding to a plurality of programs that are selected to satisfy predefined criteria,” as currently claimed.

Further regarding claims **2** and **15**, the applicant argues that Rauch et al. does not teach that the navigation cell is associated with a second subset of the plurality of channel cells or time cells, the second subset corresponding to a plurality of programs that are selected to satisfy predefined criteria. The applicant specifically argues that merely varying the content displayed in a grid is not the same as displaying a subset of programs selected to satisfy predefined criteria. The examiner respectfully disagrees. Rauch et al. discloses that the CPU 170 obtains television program information from the cable source 110 in a digital data stream, which includes information about a number of television programs. The CPU 170 then stores the program information in the RAM portion of the memory 150 (col. 4, l. 67 & col. 5, l. 1-5). Rauch et al. further discloses that only a portion of the total information is displayed at a given time (col. 6, l. 1-12). That is, the user can only see a subset of the total program information at a given time. The user can navigate through the program information by using the day selector 220 (col. 6, l. 58-67), time scroll bar 224, channel scroll bar 226 (col. 7, l. 1-23), or the topics button 254 (col. 11, l. 53-67 & col. 12, l. 1-51). The program information is updated to correspond with the selection made by the user. As such, the examiner maintains that Rauch et al. meets the limitation of “a program grid having a plurality of program information cells for presenting

Art Unit: 2623

information associated with a first subset of the plurality of channel cells and time cells, and a navigation cell selectable by the user, the navigation cell being associated with a second subset of the plurality of channel cells or time cells, the second subset corresponding to a plurality of programs that are selected to satisfy predefined criteria,” as currently claimed.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **2, 4-9, 15, 17-22** are rejected under 35 U.S.C. 102(e) as being anticipated by Rauch et al.

Referring to claims **2** and **15**, Rauch et al. discloses a method/system for presenting program information in a program guide, the method/system comprising:

- presenting the program guide to a user, the program guide comprising a time bar divided into a plurality of time cells arranged along a first axis (col. 2, l. 66-67 & Fig. 2), a channel bar divided into a plurality of channel cells arranged along a second axis perpendicular to the first axis (col. 2, l. 64-65 & Fig. 2), and a program grid having a plurality of program information cells for presenting information associated with a first subset of the plurality of channel cells and time cells (col. 5, l. 47-67 & Fig. 2), and a navigation cell selectable by the user (day selector 220, time scroll bar 224,

- channel scroll bar 226, topics button 254), the navigation cell being associated with a second subset of the plurality of channel cells or time cells, the second subset corresponding to a plurality of programs that are selected to satisfy predefined criteria (the grid varies in content based on the day selected by the day selector 220, time selected by the time scroll bar 224, channel selected by the channel scroll bar 226, and topic selected by the topics button 254)(col. 6, l. 2-9, 58-67; col. 7, l. 1-21; col. 8, l. 17-20; & Fig. 2);
- receiving a user selection of the navigation cell and, in response to receiving the user selection of the navigation cell, presenting in the program information cells program information associated with the second subset of the plurality of channel cells or time cells (col. 6, l. 58-67; col. 7, l. 1-23; col. 9, l. 63-67; col. 10, l. 1-3; col. 11, l. 53-67; col. 12, l. 1-51; & Figs. 2-4, 7).

Referring to claims **4** and **17**, Rauch et al. discloses the method/system of claims 2 and 15, respectively, further comprising repositioning a cursor from a program information cell within the program grid to the navigation cell (col. 4, l. 41-45; col. 6, l. 58-60; col. 7, l. 18-23; & col. 9, l. 62-64).

Referring to claims **5** and **18**, Rauch et al. discloses the method/system of claims 2 and 15, respectively, further comprising scrolling the program information cells while keeping the navigation cell substantially fixed in response to user input (col. 6, l. 2-9, 58-67; col. 7, l. 1-23, 65-68; col. 8, l. 3-20; & Fig. 2).

Referring to claims **6** and **19**, Rauch et al. discloses the method/system of claims 2 and 15, respectively, further comprising presenting an icon in the navigation cell (directional day

selector buttons, directional time and channel scroll bar buttons, and activated and deactivated topics button)(col. 6, l. 60-63; col. 8, l. 16; & Fig. 2).

Referring to claims **7** and **20**, Rauch et al. discloses the method/system of claims 2 and 15, respectively, wherein the second subset of channel cells or time cells corresponds to programs that are currently being broadcast (a user scrolls to programs currently being broadcast through the day selector and time scroll bar)(col. 3, l. 16-19; col. 5, l. 52-57; col. 6, l. 58-60; & col. 7, l. 18-21, 38-43).

Referring to claims **8** and **21**, Rauch et al. discloses the method/system of claims 2 and 15, respectively, wherein the second subset of channel cells or time cells corresponds to programs that are broadcast on premium channels (the examiner notes that the channel entries are arranged from top to bottom according to a frequency with which the channel entries have been designated by the user. The user can scroll to the top of the grid to display the channels of highest value to the user)(col. 6, l. 13-51 & col. 7, l. 18-21).

Referring to claims **9** and **22**, Rauch et al. discloses the method/system of claims 2 and 15, respectively, wherein the second subset of channel cells or time cells corresponds to programs that are broadcast during a primetime period (a user can scroll the time scroll bar, so that times 6:00 PM - 7:30 PM are displayed. The examiner interprets a primetime time period as including 7:00 PM as indicated in Applicant's specification (p. 24, lines 26-28 of Applicant's specification))(col. 7, l. 4-9; & Fig. 2).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art Unit
2623

MVH